

# CADWALADER

Cadwalader, Wickersham & Taft LLP  
New York London Charlotte Washington Beijing

One World Financial Center, New York, NY 10281  
Tel 212 504 6000 Fax 212 504 6666  
www.cadwalader.com

July 25, 2007

## VIA FEDERAL EXPRESS

Ning Ye, Esq.  
42-42 Union Street -- #3C  
Flushing, New York 11355

Re: Hope v. U.S. Department of Housing and Urban Development, et al.,  
S.D.N.Y. No. 07-CV-4726 (KMK) (DCF)

Dear Mr. Ye:

We are the attorneys for St. Margaret's House and its Executive Director, Joseph Breed. On July 11, 2007, one copy of the complaint and one copy of the civil cover sheet in the above-referenced case were left with an employee of St. Margaret's House. There was no summons in the package for either St. Margaret's House or Mr. Breed and there was no indication whether the single copy of the complaint and civil cover sheet were intended for St. Margaret's House or Mr. Breed. Accordingly, neither St. Margaret's House nor Mr. Breed has been properly served.

Nor would such a delivery constitute proper service pursuant to Rule 4 of the Federal Rules of Civil Procedure ("Fed. R. Civ. Pro.") on either St. Margaret's House or Mr. Breed, even if a summons had been included. The employee who received the papers was not an officer or a managing or general agent of St. Margaret's House, and was not otherwise authorized to accept service for St. Margaret's House. Fed. R. Civ. Pro. 4(h). Likewise, the delivery could not conceivably be considered valid service on Mr. Breed individually under any of the methods provided by Fed. R. Civ. Pro. 4(e).

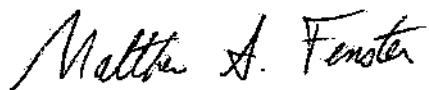
We are willing to accept service of the summons and complaint upon St. Margaret's House and Mr. Breed if we are afforded a reasonable time to respond to the complaint on behalf of our clients. Please countersign the enclosed copy of this letter indicating your agreement to extend the time for St. Margaret's House and Mr. Breed to respond to the complaint through and including September 10, 2007, and return same to my attention together with the summonses

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for St. Margaret's House and Mr. Breed. On that condition, I will accept service upon St. Margaret's House and Mr. Breed and will then present the countersigned letter to the Court to be So Ordered.

Very truly yours,



Matthew S. Fenster

ACCEPTED AND AGREED:

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Ning Ye, Esq.  
Attorney for Plaintiff

S O O R D E R E D:

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Hon. Kenneth M. Karas, U.S.D.J.